

PLANNING AND ZONING BOARD
APRIL 13, 2005

1. ROLL CALL

The meeting was called to order at 7:00 p.m. Board members present were Chair Mike Bender, Vice-Chair Mimi Turin, Casey Lee, Scott McLaughlin and John Stevens. Also present were Attorneys Andre Parke and Martin Kiar, Planner Chris Gratz and Board Secretary Janet Gale recording the meeting.

2. APPROVAL OF MINUTES: March 9, 2005

Mr. McLaughlin made a motion, seconded by Vice-Chair Turin, to approve the minutes of March 9, 2005. In a voice vote, all voted in favor. (Motion carried 5-0)

3. PLAT

3.1 P 9-1-04, Deeb Plat, southeast corner of Davie Road and SW 38 Court (B-2)

Mikki Ulrich, representing the petitioner, was present. Mr. Gratz summarized the planning report.

Mr. McLaughlin asked about a survey and the Ms. Ulrich provided one for his perusal.

Ms. Lee made a motion, seconded by Vice-Chair Turin, to approve. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Turin – yes; Ms. Lee – yes; Mr. McLaughlin – yes; Mr. Stevens – yes. **(Motion carried 5-0)**

4. PUBLIC HEARING

Rezoning

4.1 ZB 9-2-04, Scarborough Land Development, Inc./English, 10650 State Road 84 (CF)

Peter Gallo, representing the petitioner, was present. Mr. Gratz summarized the planning report.

Mr. Gallo concurred with the planning report. At Ms. Lee's request, he clarified the location of an eight-foot privacy wall to be installed on the site to separate this project from single-family residences.

Chair Bender asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

Vice-Chair Turin made a motion, seconded by Ms. Lee, to approve. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Turin – yes; Ms. Lee – yes; Mr. McLaughlin – yes; Mr. Stevens – yes. **(Motion carried 5-0)**

Variance

4.2 V 10-1-04, Home Dynamics Corporation, 4621 SW 58 Avenue (R-1)

Robert Locker and Alejandro Delfino representing the applicants, were present. Mr. Gratz summarized the planning report.

Using a site plan, Mr. Locker made a presentation to further clarify the intent of the project and elaborate on the improvements and modifications that had been made as a result of meetings conducted with neighboring residents. In designing the site, there was an on-site wetlands mitigation, road improvements, two access points, significant open space and they had not exceeded the density as permitted under the land use for zoning.

Boardmembers disclosed that they had been contacted by Mr. Mele regarding this variance.

Chair Bender asked if anyone wished to speak for or against this item.

Brent Adrian, 5600 SW 48 Street, indicated that although the developer was requesting undersized lots, they had addressed all the concerns and he had no objections.

Angelo Miele, 5251 SW 49 Street, indicated that he was pleased with the site plan.

Nicole Deruytter, 5291 SW 48 Street, indicated that she liked the site plan; however, she believed that the lots should be bigger. Therefore, she was opposed to the variance.

Rebecca Miele, 5251 SW 49 Street, stated that she was neither opposed nor in support of this application and asked that this Board consider the good and bad that comes along with granting this variance.

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Michael Deruytter, 5463 SW 60 Avenue, was opposed because the developer bought the property knowing it had an R-1 zoning and this plan was dependent on obtaining a variance.

Betty O'Connor, 5280 SW 48 Street, spoke of the accommodations which Home Dynamics had made; however, she believed the lots should be 35,000 square feet. Ms. O'Connor gave an example of a development that was 97 acres large and the 79 homes were selling for \$800,000 and up. She believed that Home Dynamics would do well with one-house-per-acre lots.

Pam Pelkey-Rose, 4810 SW 54 Terrace, read a letter from Doris Monier who shared her viewpoint. Both were opposed to the variance request for reasons as stated in the letter.

Karen Stenzel-Nowicki, 5480 SW 55 Avenue, commended the developer on mitigating 50% of the on-site wetlands. She was neither in favor nor opposed to the 20,000 square-foot lot sizes as a "trade off" for other compromises that had been made.

Marie Kaplan, 5721 SW 54 Court, spoke in support of the request.

As there were no other speakers, Chair Bender closed the public hearing.

Mr. Locker responded to both the negative and positive comments and reiterated that the development was a good transition between the one-unit-per-acre lots to the north and the higher density residential areas to the south.

Ms. Lee applauded the developer's efforts by meeting with neighbors; however, she was in favor of one unit per acre and was not in favor of the project.

Chair Bender stated that he appreciated the compromises of the developer; however, he estimated that it was not one variance, but 95 variances that would be granted. He indicated that he was "torn" in making this decision and would like to see some bigger lots in order to be in total favor.

Vice-Chair Turin agreed that she too was undecided; however, she pointed out that the developer went to great lengths to work with the community. She indicated that she would like to see a shift with less of the 20,000 to 25,000 square-foot lots and more of the larger sized lots in order to support the project.

Mr. McLaughlin reiterated the outreach efforts of the developer and that they were trying to follow the spirit of what the zoning called for; however, it appeared that it was two units per acre. He noticed from the aerial that a lot of the one-acre lots to the north have been subdivided to lesser lots. Mr. McLaughlin agreed that although it was not a bad transition, he was not happy with the amount of homes.

Mr. Stevens appreciated the efforts of the developer and also had a mixed opinion. He indicated that he would like to see a better spread in favor of more lots in the 30,000 to 35,000 square foot range and less in the 20,000s'. He asked if there could be a little better mix in terms of lot sizes and Messrs. Locker and Delfino conferred before responding.

Mr. Locker responded that he could make the lots bigger, but the open space would go away. Discussions ensued on several different scenarios. Mr. Delfino commented that every time he attended a meeting, the number of houses were reduced and, therefore, he was holding firm at 98 units. He reiterated all the concerns which he had addressed and spoke of the constraints of the FP&L lines as well as the turnpike. Boardmembers on the other hand, expressed that they would appreciate a better mix to include some larger lots.

Mr. Delfino contended that tonight's audience spoke to the issue in that the neighborhood did not turn out contesting the issue as it had in the past. He indicated that a lot of the neighbors he met with want this site plan.

Chair Bender pointed out that although the developer had done a fantastic job, part of the dilemma was that other developers may want to "piggy back" on this exception.

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Mr. Locker indicated that he understood the dilemma and wanted to continue working with neighbors to keep them happy; however, he still had the Site Plan Committee and Town Council to go to and he expected that they would “cut away” some more.

Mr. Parke asked Mr. Delfino to stipulate that the site plan under discussion would be the site plan presented to the Council. Mr. Delfino agreed that this was the site plan that would go to the Council. Deliberations continued.

Mr. Stevens made a motion, seconded by Mr. McLaughlin, to approve. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Turin – no; Ms. Lee – no; Mr. McLaughlin – yes; Mr. Stevens – yes. **(Motion carried 3-2)**

Ms. Lee asked that the record show that she recommended denial because she did not feel that the subject site deserved two units per acre.

The Board recessed at 8:14 p.m. and reconvened at 8:19 p.m.

5. OLD BUSINESS

Chair Bender advised that he had attended the Council meeting of April 6th in order to speak of the problem which confronted the Planning and Zoning Board on March 9th whereby there was not a “voting quorum” in order to make a recommendation to the Council. He stated that he was able to speak at the meeting and to express his concern that the issue of “an absence” should not be a determining factor in any future ordinance created to address the problem.

6. NEW BUSINESS

There was no new business discussed.

7. COMMENTS AND/OR SUGGESTIONS

There were no comments and/or suggestions made.

8. ADJOURNMENT

There being no further business and no objections, the meeting was adjourned at 8:20 p.m.

Date Approved: _____

Chair/Board Member